

REMARKS

This paper is filed in response to the Office Action dated August 23, 2004. As this paper is filed on February 23, 2005 with a three-month extension of time and a Request for Continued Examination, the paper is timely filed.

I. Status of Amendments

Claims 54-77 were pending prior to this response. Applicant hereby amends claims 54 and 66, adds claims 78-83, and cancels claims 55 and 67 without prejudice to refile. Thus, claims 54, 56-66, and 68-83 are pending.

Because applicant originally paid for 3 independent claims and 53 total claims, no additional fee is due because of the 6 dependent claims added by this amendment.

II. Response to the August 23 Office Action

In the August 23 Office Action, claims 54-59, 63-71 and 75-77 are rejected under 35 U.S.C. 102(e) as allegedly anticipated by Vancura (U.S. Patent No. 6,769,986). Claims 60-62 and 72-74 are rejected under 35 U.S.C. 103 as allegedly unpatentable over Vancura in view of Walker (U.S. Patent No. 6,394,899). Applicant responds as follows.

A. The Section 102 Rejection Should Be Withdrawn

As amended, claim 54 recites a gaming method. The gaming method includes receiving a wager from a player, displaying an image representing a first game, and determining to initiate a bonus game. The method further includes selecting a trivia question and a fixed set of answers associated with the trivia question for the bonus game, the trivia question and the fixed set of answers having a difficulty level selected according to a criterion, the criterion being independent of a player preference, displaying an image representing the bonus game, receiving an answer selection from the player of one of the fixed set of answers, and determining an award based on the answer selection.

As amended, claim 54 recites: "the trivia question and the fixed set of answers having a difficulty level selected according to a criterion, the criterion being *independent* of player

preference.” The applicant notes that the Office Action, at page 2, asserts that only the limitation in original claim 55 that the difficulty level is selected according to “the preference of the player” can be found in Vancura. By amending claim 54 to make the criterion independent of the “preference of the player”, Vancura no longer discloses each and every limitation of the claimed subject matter of claim 54, such that the rejection under 35 U.S.C. 102(e) should be withdrawn.

Applicant submits that Vancura focuses on selections made according to the preference of the player. In fact, it is applicant’s position that Vancura consistently teaches away from anything other than player control over decisions made concerning the characteristics of the bonus game. For example, Vancura states (col. 2:55-61):

What is proposed herein is an entirely different approach in which the player customizes the play of the game. The player proactively chooses an aspect of the bonus game (such as, one of several games or one of several options within a game) preferably before initiating play on the base game, during play of the base game or at entry to bonus play.

Other passages of Vancura may be cited that further support applicant’s position in regard to Vancura.

Given that claims 56-59 and 63-65 depend from claim 54, and that claim 54 is distinguishable from Vancura, so too are claims 56-59 and 63-65. Thus, these claims are allowable as well.

Claim 66 recites gaming system. The gaming system includes a display unit, a wager input device, a player input device, and at least one processing unit operably coupled to the display unit, the wager input device, the player input device and a memory. The at least one processing unit receives a wager via the wager input device from a player, causes the display unit to display an image representing a first game, determines to initiate a bonus game, selects a trivia question and a fixed set of answers associated with the trivia question for the bonus game, the trivia question and the fixed set of answers having a difficulty level selected according to a criterion, the criterion being independent of a player preference, displays an image representing the bonus game, receives an answer selection from the player of one of the fixed set of answers via the player input device, and determines an award based on the answer selection.

As discussed above relative to claim 54, Vancura does not disclose the limitation of "a difficulty level selected according to a criterion, the criterion being independent of a player preference." Consequently, claim 66 is not anticipated by Vancura as well. Moreover, given that claims 67-71 and 75-77 depend from claim 66, these claims are also allowable.

B. The Section 103 Rejection Should Be Withdrawn

Claims 60-62 depend from claim 54, and claims 72-74 depend from claim 66. As outlined above, claims 54 and 66 are not anticipated by Vancura. Because Vancura does not disclose each and every limitation of claims 54 and 66, even if Vancura were to be combined with Walker, the combination would not disclose, teach or suggest each and every limitation of claims 60-62 and 72-74 because claims 60-62 and 72-74 include all of the limitations of claims 54 and 66 by virtue of their dependencies. Consequently, this rejection should be withdrawn.

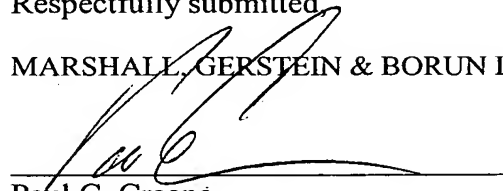
In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance, and reconsideration is respectfully requested. If there is any matter that the Examiner would like to discuss, the Examiner is requested to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

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By:


Paul C. Craane
Registration No. 38,851
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300